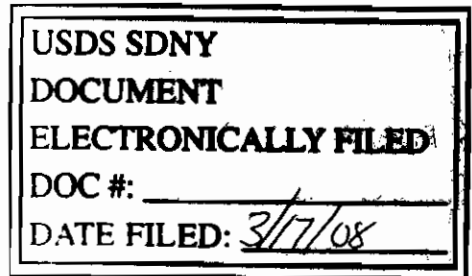


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



-----x  
LAUNDRY, DRY CLEANING  
WORKERS AND ALLIED  
INDUSTRIES HEALTH FUND, UNITE  
HERE! LAUNDRY, DRY CLEANING  
WORKERS AND ALLIED  
INDUSTRIES RETIREMENT FUND,  
UNITE HERE!,  
-----x

Petitioner,

08 Civ. 360(PKC)

-against-

ORDER

OLD MASTERS CLEANERS, INC.,  
Respondent.  
-----x

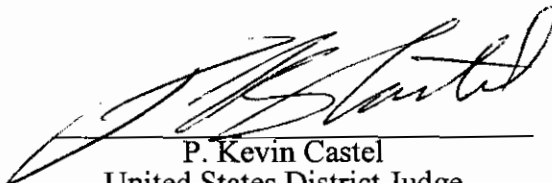
P. KEVIN CASTEL, U.S.D.J.

As counsel for petitioners well knows from, inter alia, my Order in Laundry, Dry Cleaners v. Jung Sun Laundry Corp., 08 Civ. 360 (PKC), “default judgments in confirmation/vacatur proceedings are generally inappropriate.” D.H. Blair & Co., Inc. v. Gottdiener, 462 F.3d 95, 109 (2d Cir. 2006). A district court ought to consider the merits of the petition on the basis of the record before it. Id. “A motion to confirm or vacate an award is generally accompanied by a record, such as an agreement to arbitrate and the arbitration award decision itself, that may resolve many of the merits or at least command judicial deference. When a court has before it such a record, rather than only the allegations of one party found in complaints, the judgment the court enters should be based on the record.” Id.

The Petition annexes the Arbitration Award. Petitioner shall submit by March 28, 2008 the Collective Bargaining Agreement (“CBA”) setting forth the agreement to arbitrate, the record before the arbitrator to the extent not already submitted, an affidavit

establishing personal jurisdiction over respondent. I have no basis to assume that service by ordinary mail was proper in the absence of some evidence that it was authorized under the CBA. The Respondent may respond no later than April 4, 2008. If no response is served and filed, petitioner's counsel should alert the Court and the Court will proceed to adjudicate the petition on the merits. If a response is served and filed, then petitioner will have until April 11, 2008 to reply.

SO ORDERED.

  
\_\_\_\_\_  
P. Kevin Castel  
United States District Judge

Dated: New York, New York  
March 14, 2008